

KTF:SHP
F. #2025R00155

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(18 U.S.C. § 113(a)(3))

BRIAN CASTRO,
FRANKLIN GILLESPIE,
JUAN LOPEZ,
JOWENKY NUNEZ JR.,
HUGO RODRIGUEZ and
ELVIS TREJO,

Case No. 25-MJ-73

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

ALEXANDER LOIZIAS, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation (“FBI”), duly appointed according to law and acting as such.

On or about February 22, 2025, within the Eastern District of New York, and within the special maritime and territorial jurisdiction of the United States, namely, the Metropolitan Detention Center in Brooklyn, New York (“MDC”), the defendants BRIAN CASTRO, JUAN LOPEZ, JOWENKY NUNEZ JR., HUGO RODRIGUEZ and ELVIS TREJO did knowingly and intentionally assault inmate John Doe 1, an individual who is known to me, with a dangerous weapon, with intent to do bodily harm.

(Title 18, United States Code, Section 113(a)(3))

On or about February 22, 2025, within the Eastern District of New York, and within the special maritime and territorial jurisdiction of the United States, namely, the Metropolitan Detention Center in Brooklyn, New York (“MDC”), the defendant FRANKLIN GILLESPIE did knowingly and intentionally assault inmate John Doe 2, an individual who is known to me, with a dangerous weapon, with intent to do bodily harm.

(Title 18, United States Code, Section 113(a)(3))

The source of your deponent’s information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the FBI and have been since 2020. During the course of my employment with the FBI, I have been involved in the investigation of numerous cases involving violent crime, including assaults at the MDC. I am familiar with the facts and circumstances set forth below from, among other things, my participation in this investigation, my review of surveillance video and my review of the investigative file.

2. The MDC is an administrative security metropolitan detention center located in Brooklyn, New York. It primarily houses defendants detained prior to their trial on federal criminal charges filed in the United States District Court for the Eastern District of New York and the United States District Court for the Southern District of New York, although inmates from other districts may also be housed at the MDC for various reasons. Currently, approximately 1,200 defendants are incarcerated at the MDC.

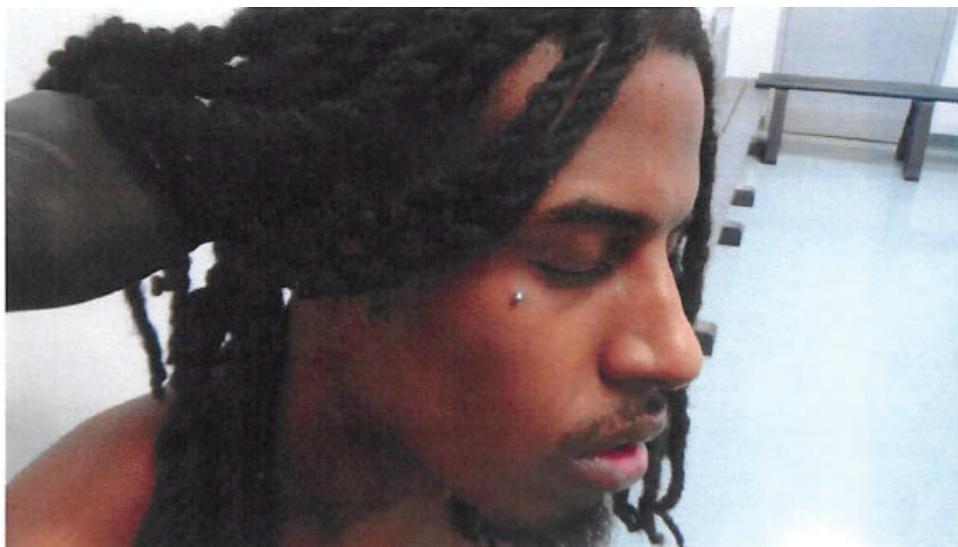
¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all relevant facts and circumstances of which I am aware.

I. The Defendant BRIAN CASTRO's Detention at the MDC

3. On or about March 13, 2023, a superseding indictment was filed in the Eastern District of New York charging the defendant BRIAN CASTRO with conspiracy to commit Hobbs Act robbery and Hobbs Act robbery, in violation of 18 U.S.C. § 1951, discharge of a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c), and the firearm-related murder of victim Rodney Maxwell, in violation of 18 U.S.C. § 924(j)(1), in connection with a robbery on or about October 7, 2020, where the defendant and his co-defendants were alleged to have shot the victim. See United States v. Brian Castro et al, No. 21-CR-572, ECF No. 78 (EK) (E.D.N.Y.). CASTRO was ordered detained pending trial on March 16, 2023.

4. The Federal Bureau of Prisons (“BOP”) designated the defendant BRIAN CASTRO to be detained at the MDC pending trial.

5. On January 30, 2025, the defendant BRIAN CASTRO was found guilty on all counts following a jury trial. See United States v. Brian Castro et al, No. 21-CR-572, ECF No. 297 (EK) (E.D.N.Y.). CASTRO is pending sentencing on the counts of conviction and has remained at the MDC pending sentencing. A photograph of CASTRO taken on February 22, 2025, is below.



II. The Defendant FRANKLIN GILLESPIE's Detention at the MDC

6. On or about September 4, 2020, a complaint was filed in the Eastern District of New York charging the defendant FRANKLIN GILLESPIE with being a felon in possession of a firearm and ammunition, in violation of 19 U.S.C. § 922(g). See United States v. Franklin Gillespie et al., No. 20-CR-239, ECF No. 1 (BMC) (E.D.N.Y.). GILLESPIE was ordered detained pending trial on September 4, 2020. Subsequently, on September 17, 2020, a superseding indictment was filed on the same docket charging GILLESPIE with conspiracy to possess with intent to distribute cocaine base and heroin, in violation of 21 U.S.C. §§ 841 and 846, possession of a firearm during a drug trafficking crime, in violation of 18 U.S.C. § 924(c), maintaining a stash house, in violation of 21 U.S.C. § 856, possession with intent to distribute cocaine, in violation of 21 U.S.C. § 841, and being a felon in possession of firearms, in violation of 18 U.S.C. § 922(g)(1), in connection with a drug conspiracy spanning 2017 to 2020. See United States v. Franklin Gillespie et al., No. 20-CR-239, ECF No. 80 (BMC) (E.D.N.Y.). A second superseding indictment was filed on October 14, 2020, additionally charging GILLESPIE with possession with intent to distribute fentanyl in violation of 21 U.S.C. § 841. See United States v. Franklin Gillespie et al., No. 20-CR-239, ECF No. 89 (BMC) (E.D.N.Y.). Several additional superseding indictments were filed on the same docket, culminating in the eighth superseding indictment, filed on September 14, 2022, which charged GILLESPIE with being engaged in the activities of a racketeering organization, the Bully Gang, in violation of 18 U.S.C. § 1961, and committing several racketeering acts, including murder conspiracy and causing the death of two victims through the use of a firearm, in violation of 18 U.S.C. § 924(j)(1). See United States v. Franklin Gillespie et al., No. 20-CR-239, ECF No. 823 (BMC) (E.D.N.Y.).

7. The Federal Bureau of Prisons (“BOP”) designated the defendant FRANKLIN GILLESPIE to be detained at the MDC pending trial.

8. On June 18, 2024, the defendant FRANKLIN GILLESPIE was found guilty of racketeering and several other counts following a jury trial, but the jury deadlocked on other charges. See United States v. Franklin Gillespie et al., No. 20-CR-239, ECF No. 2062 (BMC) (E.D.N.Y.). GILLESPIE is pending sentencing on the counts of conviction and has remained at the MDC pending sentencing. A photograph of GILLESPIE taken on February 22, 2025, is below.



III. The Defendant JUAN LOPEZ’s Detention at the MDC

9. On or about September 5, 2024, an indictment was filed in the Southern District of New York charging the defendant JUAN LOPEZ with conspiracy to commit Hobbs Act robbery and Hobbs Act robbery, in violation of 18 U.S.C. § 1951, possession and discharge of a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c), and other crimes, all in connection with a series of gunpoint carjackings taking place in April and May 2022. See United States v. Lopez et al., No. 24-CR-528, ECF No. 4 (GBD) (S.D.N.Y.). LOPEZ was ordered detained pending trial on September 9, 2024.

10. The Federal Bureau of Prisons (“BOP”) designated the defendant JUAN LOPEZ to be detained at the MDC pending trial. A photograph of LOPEZ taken on February 22, 2025, is below.



IV. The Defendant JOWENKY NUNEZ JR.’s Detention at the MDC

11. On or about March 17, 2022, a complaint was filed in the Southern District of New York charging the defendant JOWENKY NUNEZ JR. with narcotics conspiracy, in violation of 21 U.S.C. § 846, and use of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c), in connection with, as alleged, NUNEZ’s participation in “Own Every Dollar,” a gang based in New York that has conspired to, among other things, distribute narcotics and possess firearms. See United States v. Nunez et al, No. 22-CR-293, ECF No. 1 (JPO) (S.D.N.Y.). Following his arrest, NUNEZ was ordered detained pending trial. Several superseding indictments were filed in the case, culminating in the seventh superseding indictment, which was filed on September 12, 2023, and charged NUNEZ with, among other things, being engaged in the alleged activities of a racketeering organization, the “Own Every Dollar” gang, in violation of 18 U.S.C. § 1961, murder in aid of racketeering, in violation of 18 U.S.C. § 1959, murder through the use of a firearm, in violation of 18 U.S.C. § 924(j), and an

attempted murder in aid of racketeering at the MDC in February 2023. See United States v. Nunez et al, No. 22-CR-293, ECF No. 326 (JPO) (S.D.N.Y.).

12. The Federal Bureau of Prisons (“BOP”) designated the defendant JOWENKY NUNEZ JR. to be detained at the MDC pending trial. NUNEZ is scheduled to begin trial on April 7, 2025. A photograph of NUNEZ taken on February 22, 2025, is below.



V. The Defendant HUGO RODRIGUEZ’s Detention at the MDC

13. On or about August 2, 2022, a third superseding indictment was filed in the Southern District of New York charging the defendant HUGO RODRIGUEZ with being engaged in the activities of an alleged racketeering organization, the “Own Every Dollar” gang, in violation of 18 U.S.C. § 1961, attempted murder in aid of racketeering, in violation of 18 U.S.C. § 1959, discharge of a firearm in connection with a crime of violence, in violation of 18 U.S.C. § 924(c), and narcotics conspiracy, in violation of 21 U.S.C. § 846, among other crimes, in connection with RODRIGUEZ’s alleged activities as a member of the “Own Every Dollar” gang. See United States v. Nunez et al, No. 22-CR-293, ECF No. 86 (JPO) (S.D.N.Y.). RODRIGUEZ was ordered detained pending trial on the same day, August 2, 2022. Additional

indictments were later returned by the Grand Jury in the same case charging additional crimes, as detailed in Section IV, supra.

14. The Federal Bureau of Prisons (“BOP”) designated the defendant HUGO RODRIGUEZ to be detained at the MDC pending trial. A photograph of RODRIGUEZ taken on February 22, 2025, is below.



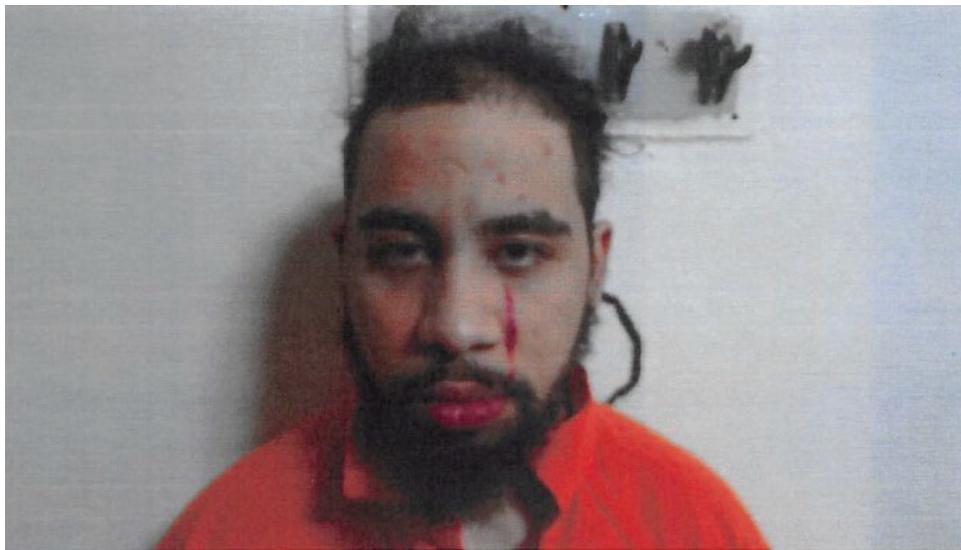
VI. The Defendant ELVIS TREJO’s Detention at the MDC

15. On or about August 2, 2022, a third superseding indictment was filed in the Southern District of New York charging the defendant ELVIS TREJO with being engaged in the activities of an racketeering organization, the “Own Every Dollar” gang, in violation of 18 U.S.C. § 1961, attempted murder in aid of racketeering, in violation of 18 U.S.C. § 1959, Hobbs Act robbery, in violation of 18 U.S.C. § 1951, discharge of a firearm in connection with a crime of violence, in violation of 18 U.S.C. § 924(c), and narcotics conspiracy, in violation of 21 U.S.C. § 846, among other crimes, in connection with TREJO’s activities as a member of the “Own Every Dollar” gang. See United States v. Nunez et al, No. 22-CR-293, ECF No. 86 (JPO) (S.D.N.Y.). TREJO was ordered detained pending trial on the same day, August 2, 2022.

Additional indictments were later returned by the Grand Jury in the same case charging additional crimes, as detailed in Section IV, supra.

16. The Federal Bureau of Prisons (“BOP”) designated the defendant ELVIS TREJO to be detained at the MDC pending trial.

17. On January 30, 2025, the defendant ELVIS TREJO pled guilty to racketeering conspiracy, attempted murder in aid of racketeering, assault with a dangerous weapon in aid of racketeering, Hobbs Act Robbery, and discharge of a firearm in connection with a crime of violence. See United States v. Nunez et al, No. 22-CR-293, Minute Entry dated January 30, 2025 (JPO) (S.D.N.Y.). TREJO’s sentencing is set for May 2, 2025. A photograph of TREJO taken on February 22, 2025, is below.



VII. The February 22, 2025, Assaults at the MDC

18. As described further below, on February 22, 2025, at the MDC, the defendants BRIAN CASTRO, JUAN LOPEZ, JOWENKY NUNEZ JR., HUGO RODRIGUEZ and ELVIS TREJO, joined by a number of other inmates known and unknown, wielded contraband weapons and participated in a gang assault and stabbing of John Doe 1. FRANKLIN GILLESPIE joined the altercation, stabbing John Doe 2 and others with a

contraband weapon of his own. MDC corrections officers reacted quickly and brought the altercation under control using Oleoresin Capsicum spray (“OC spray”), which is a chemical irritant also known as pepper spray. As a result of the altercation described herein, multiple inmates were wounded, and several contraband weapons were recovered.

19. The assaults were captured on surveillance footage. I have reviewed the relevant surveillance footage with MDC staff members, all of whom are familiar with all of the defendants’ physical appearances from their daily interactions and have positively identified all of the defendants from the video surveillance footage as described below.

20. As depicted in video surveillance footage, on the afternoon of February 22, 2025, at approximately 12:58 p.m., a Bureau of Prisons (“BOP”) officer began opening the cell doors on the upper tier in Unit I-62 as the defendant HUGO RODRIGUEZ observed.



21. Subsequently, the BOP officer opened the cell of the defendants BRIAN CASTRO and JOWENKY NUNEZ JR., both of whom, along with the defendant HUGO RODRIGUEZ, began moving in the direction of the victim, referred to herein as John Doe 1.



22. Several other individuals joined the defendants BRIAN CASTRO, JOWENKY NUNEZ JR. and HUGO RODRIGUEZ in their pursuit of John Doe 1. The group began slashing at John Doe 1 with what appears to be weapons as they pursued him around the upper tier of Unit I-62.



23. The defendants BRIAN CASTRO, JOWENKY NUNEZ JR. and HUGO RODRIGUEZ and others continued to pursue and attack John Doe 1 as he fled down the stairs to the lower tier of Unit I-62. The video surveillance footage below depicts John Doe 1 facing the stairs wearing a white cap as his pursuers ran down the stairs after him.



24. As the group came down the stairs, they chased John Doe 1 around a pillar and a white booth. At this point, as depicted below, the defendant ELVIS TREJO joined the pursuit and stabbed in the direction of John Doe 1.



25. The defendant JUAN LOPEZ also joined the group pursuing John Doe 1. The surveillance footage below shows LOPEZ, with his back to the camera, held what appear to be two long, sharp weapons.



26. The surveillance footage below shows that the defendant JOWENKY NUNEZ JR. held a weapon as he came down the stairs in pursuit of John Doe 1.



27. The surveillance footage depicts that the defendant BRIAN CASTRO held a weapon in his hand as he came down the stairs in pursuit of John Doe 1.



28. As shown in the surveillance footage, the defendants BRIAN CASTRO, JOWENKY NUNEZ JR. and HUGO RODRIGUEZ pursued John Doe 1 around a pillar towards the location where the group subsequently cornered and stabbed John Doe 1 several times.



29. The defendant JUAN LOPEZ, among others, then stabbed John Doe 1 with a weapon as John Doe 1 was cornered underneath a pillar in the lower tier.



30. The video surveillance footage shows that shortly thereafter, the defendant HUGO RODRIGUEZ wielded a long, pointed weapon.



31. As the group pursued John Doe 1, the defendant FRANKLIN GILLESPIE joined the fight with a weapon, as shown in the video surveillance footage below.



32. Subsequently, the defendant FRANKLIN GILLESPIE stabbed individuals involved in the fight, including an individual identified herein as John Doe 2, as well as the defendant HUGO RODRIGUEZ, as shown in the video surveillance footage below.



33. As the fight continued on the lower tier, BOP officers deployed OC spray in order to bring the fight under control.



34. BOP officers began to clear the floor and detain individuals, at which point they observed the defendant ELVIS TREJO holding a metal object measuring 13 inches in

length. BOP officers ordered TREJO to drop the object on the floor and submit to hand restraints, and he was escorted out of the unit. A picture of the weapon recovered from TREJO is below.



35. BOP officers also observed the defendant JOWENKY NUNEZ JR. rush towards a separate individual after the main fight had been brought under control. As depicted on video surveillance footage, NUNEZ attempted to stab the individual, who had thrown an object at him, before officers were able to deploy OC spray and detain NUNEZ. The BOP officers can be seen pursuing NUNEZ in the picture below.



36. Ultimately, by approximately 1:03 p.m., BOP officers had ended the altercation and brought the unit under control. BOP staff members subsequently began to conduct medical assessments of more than 20 individuals involved in the altercation. The medical assessment of John Doe 1 revealed approximately 18 puncture wounds to his back, including three deep puncture wounds to his upper-mid back and right deltoid. Due to John Doe 1's injuries, he was transported to a local hospital for further treatment, as were four other inmates involved in the altercation, including the defendant HUGO RODRIGUEZ.

WHEREFORE, your deponent respectfully requests that the defendants BRIAN CASTRO, FRANKLIN GILLESPIE, JUAN LOPEZ, JOWENKY NUNEZ JR., HUGO RODRIGUEZ and ELVIS TREJO be dealt with according to law.

/s/ Alexander Loizias
ALEXANDER LOIZIAS
Special Agent

Sworn to before me by telephone
this 5th day of March, 2025

James R. Cho

THE HONORABLE JAMES R. CHO
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK